

BEFORE THE FISH, WILDLIFE AND PARKS COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of)
ARM 12.11.3215 regarding) NOTICE OF AMENDMENT
recreational water use on Holter Lake)

TO: All Concerned Persons

1. On November 25, 2009, the Fish, Wildlife and Parks Commission (commission) published MAR Notice No. 12-353 regarding the proposed amendment of the above-stated rule at page 2240 of the 2009 Montana Administrative Register, Issue No. 22.

2. The commission has amended ARM 12.11.3215 as proposed.

3. The following comments were received and appear with the commission's responses. The commission received comments from six individuals. Every person who commented was in favor of the proposed amendment.

Comment 1: Five people stated they were in support of the proposed language.

Response 1: The commission appreciates the interest in this rulemaking process.

Comment 2: Three people stated the commission should limit the entire canyon to a no wake speed for all boats.

Response 2: The commission believes the modified towing restrictions through the canyon along with other statutes regarding distances a motorized vessel must maintain from other recreationists address user conflicts and provides for public safety.

Comment 3: One person stated the commission should provide all night parking access near the Gates of the Mountain boat docks for year round public use.

Response 3: This comment is outside the scope of this rulemaking process. However, the commission and the Department of Fish, Wildlife and Parks (department) continue to seek opportunities for public parking, ramps, and access on Holter Lake and other bodies of water.

Comment 4: One person stated that people should be hired as parking lot attendants and also to clean the day use areas and campgrounds.

Response 4: Day use and camping areas in the area are all owned and operated by federal agencies (Bureau of Land Management and the United States

Forest Service) and private entities and therefore outside the scope of the department's and commission's authority and this rulemaking process.

Comment 5: One person stated the number of fishing guides should be limited and wardens need to enforce the daily limit on Holter Lake.

Response 5: The commission has not limited the number of fishing guides on Holter Lake but this issue is outside the scope of this rulemaking process. Wardens will continue to maintain a presence on Holter Lake to ensure compliance with all rules and regulations.

/s/ Bob Ream

Bob Ream, Chairman

Fish, Wildlife and Parks Commission

/s/ William A. Schenk

William A. Schenk

Rule Reviewer

Certified to the Secretary of State March 15, 2010.